

Minutes of December 20th, 2022 Meeting of the Wallington Planning Board

The December 20th, 2022 Meeting of the Wallington Planning Board was called to order by Chairman Stanley Baginski at 7:31 PM, citing that the Rules of the Sunshine Law were followed with respect to advertising said meeting.

Roll Call: Present: Tomasz Bazel, Pawel Szwaczka, Stanley Baginski, Theresa Wygonik, Councilman Eugeniusz Rachelski, Nick Melfi, Mayor Melissa Dabal
Absent: Joseph Smith

Flag Salute

A motion was made by Bazel and seconded by Kasperek to accept the November 15th, 2022 meeting minutes.

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Kasperek, Melfi
ABSTAIN: Rachelski, Dabal

A motion was made by Kasperek and seconded by Wygonik to mark and file the December correspondence list.

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Rachelski, Melfi, Dabal

Board Attorney Brian Giblin presented the following Resolutions:

VIP Builder Supply Inc., 434 Main Ave. Block 70.01, Lot 4.01, Zone B

A motion was made by Wygonik and seconded by Kasperek to accept this resolution.

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Rachelski, Melfi, Dabal

Wallington Waterfront LLC, 8 Halstead Ave. Block # 7, Lot 23, 24, 25, 26, 27, 28, 29, 30

A motion was made by Bazel and seconded by Szwaczka to accept this resolution.

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Rachelski, Melfi, Dabal

The first matter of business was an Application for Site Plan Approval seeking some variance relief and waivers: **52 Van Dyke LLC – 52-64 Van Dyke Street, Block# 60.01, Lot 1**

Mr. Bruinooge believed that the actions taken during the November meeting were void as a consequence of a lack of a quorum. In his opinion a lack of a quorum was a direct result of apparent conflict given the relationship between one of the sitting members - an alternate, who has a direct family relationship with an individual and the property owner within 200 feet of the site in question.

He proceeded to discuss the necessary number of board members and the jurisdiction of the Planning Board.

Mayor Melissa Dabal explained to Mr. Bruinooge that it is hard to find people willing to volunteer their personal time.

Mr. Bruinooge wanted to make certain that the activity of the board is consistent with the Municipal Land Use Law and local ordinances.

Chairman Baginski clarified that the application was held in abeyance since the November meeting and no vote was taken. Everything was held in a stagnant mode where the applicant completed his testimony.

Mr. Gilson (Sub-Planning Board Attorney) advised the application could be carried to a future date, which would be at the January 17th meeting. If the applicant wished to proceed to a vote they could, but that's the applicant's choice if they wished to carry.

He explained that the only realistic option would be to carry the application until January.

Mr. Bruinooge stated that in his opinion best legal action would be to vote to carry the matter to the January meeting. Whether or not additional notice to the public would be required would be discussed between the Attorneys.

Chairman Baginski suggested to anyone wishing to be heard in this matter will be heard January 17th, 2023 at 7:30.

Mr. Gilson asked if Mr. Bruinooge, would agree to waive any automatic approvals that would occur before January 17th and he agreed.

Rachelski motioned to hold the application in abeyance to January 17th, 2023 at 7:30 p.m. Seconded by Melfi

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Kasperek, Rachelski, Melfi, Dabal.

Mr. M. Chirlo asked why would the public announcement have to serve as notice and why wouldn't they get notified by mail again. He claimed that without the mailed notice residents would not show up.

Chairman Baginski explained that everyone is entitled to their opinion, however until legal counsel would conclude their deliberations regarding the legal notice issue, the publicly announced date of the next hearing would be considered as public notice.

Mr. Gilson explained that the statute outlines it's required to notice the first hearing and then it's allowed to announce at the meeting that the matter is carried to an exact date.

Next matter of business was Site Plan Waiver Approval Application for
457 Paterson Ave LLC – 457 Paterson Ave., Block 56, Lot 7.01

The owner, Mohanna Harfouche, described his business as a bagel and coffee store. He explained that they are not proposing any renovations to the building.

The Applicant testified there would be up to five employees and the hours of operation would be 5:00 A.M. to 5:00 P.M. Monday to Saturday with Sunday closing around 3 P.M.

Mr. Harfouche agreed to maintain a clean exterior of the premises and not have any outside storage. He testified that there would be no hazardous materials on the premises and agreed to install a Knox Box if one is not already on the building. The Applicant also agreed not to have overnight trash pickup. The business would provide customer parking in the back of the building.


Chairman Baginski opened and closed to the hearing of citizens.

A motion was made by Rachelski and Seconded by Kasperek to approve the application.

Roll Call: AYE: Bazel, Szwaczka, Baginski, Wygonik, Kasperek, Rachelski, Melfi, Dabal

There being no further business before the board, a motion for adjournment was made at 7:51 PM by Rachelski and seconded by Kasperek.

Roll Call: Ayes: Bazel, Szwaczka, Baginski, Wygonik, Kasperek, Rachelski, Melfi, Dabal


Marta Goldyn,
Recording Clerk

Cc: Ace Antonio, Acting Clerk (via: email)
Fire Official, Edward Tanderis (via: email)
Dept. of Public Works, Ray Dynes (via: email)
Respective Files